

Application No.: 09/441,388
Amendment Dated December 12, 2003

REMARKS/AGUMENTS

Reconsideration of this application is respectfully requested. No new matter has been added. The claims are patentable over the cited art of record.

Claims 27-29, 33-35, 38-40, and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,119,152 ("Carlin") in view of U.S. Patent No. 6,470,389 ("Chung"). These rejections are respectfully traversed, because (i) the Office Action fails to establish a prima facie case of obviousness, and (ii) the combination does not teach each and every element of the invention as claimed.

The Finality of the Office Action is Premature

A Final Action is not proper on a second or subsequent action is improper where the examiner introduces a new ground of rejection that is not necessitated by applicant's amendment of the claims. MPEP 706.07(a). Thus, an amendment to a claim by itself does not warrant a Final Office Action. Here the new grounds of rejection, i.e., obviousness under 35 USC 103 in view of Carlin and Chung, were not necessitated by applicant's amendment, because the claims were rewritten into an independent form pursuant to Examiner's suggestion, and no limitations were introduced into the claim that were not already present by virtue of the claim being dependent on other claims.

The Office Action states "the subject matter previously indicated as allowable has been determined to be unpatentable over different art" (Detailed Action, p. 5). Because the Office Action admits that the subject matter previously indicated as allowable is the same subject matter being presently rejected, the present rejection is necessitated by the discovery of the new prior art and not by the Applicants having rewritten the claims in an independent form.

Accordingly, the applicants respectfully request that the Examiner withdraw the finality of the Office Action.

I. The 35 U.S.C. 103(a) rejection of claims 27-29, 33-35, 38-40, and 44-46 was erroneous, because the references relied upon in the Office Action do not teach every element of the claims at issue

Application No.: 09/441,388
Amendment Dated December 12, 2003

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Carlin is directed at allowing a plurality of service providers to offer private services by utilizing a single host computer system (Carlin, Figs.1-2, 4: 37-41) without requiring each of the providers to maintain the on-line equipment or concern itself with billing matters (Carlin, 2:35-38). Chung, on the other hand, is directed at providing a multi-server system capable of hosting a single network service (Chung, 3: 66-67). Thus, because the problems addressed by Carlin and Chung are distinct and unrelated, there is no suggestion or motivation to combine the references that can be found in the references themselves.

II. The 35 U.S.C. 103(a) rejection of claims 27-29, 33-35, 38-40, and 44-46 was erroneous, because there is no suggestion or motivation to combine the references.

Claim 27

Neither Carlin nor Chung, or a combination thereof, discloses "a sales system for coupling communications network, comprising:

a first sales interface at a first network address, the first sales interface including a first set of user interface elements;

a second sales interface at a second network address, the second sales interface including a second set of user interface elements;

Application No.: 09/441,388
Amendment Dated December 12, 2003

a sales server at a third network address that operates the first and second sales interfaces while providing an impression that they are being operated by different entities wherein the sales server includes a customization interface responsive to user input do define the first and second sets of user interface elements, wherein the sales server is operative to create the impression that the sales interfaces are being operated by different domains by operating with the address of the first sales interface mapped to a first domain and the address of the second sales interface mapped to a second domain different from the first domain" as required by claim 27.

In particular, neither Carlin nor Chung disclose "a first sales interface at a first network address ... [and] ... a second sales interface at a first network address" as required by claim 27. The Office Action suggests that Carlin's embodiment would require that each sales interface and the host computer be located at a unique network address. There is no such requirement in Carlin. On the contrary, Carlin system allows a plurality of service providers to offer a private on-line service without requiring each service provider to have their own on-line equipment and instead utilize a host computer 12 (Carlin, 4: 37-45). There is no indication that Carlin's multi-provider on-line system utilizes more than one host computer (Carlin, Figs. 1-2). Because Carlin discloses a single host computer to interface with a plurality of subscribers (Figs. 1, 4), the sales interfaces communicated to the subscribers have a single network address, i.e., the network address of the host computer 12. Thus, Carlin fails to disclose a first sales interface at a first network address ... [and] ... a second sales interface at a first network address" as required by claim 27.

Neither Carlin nor Chung, or a combination thereof, discloses "the sales server operative to create the impression that the sales interfaces are being operated by different domains by operating with the address of the first sales interface mapped to a first domain and the address of the second sales interface mapped to a second domain different from the first domain" as required by claim 27. Because, as discussed above, the sales interfaces communicated to the subscribers

Application No.: 09/441,388
Amendment Dated December 12, 2003

in Carlin have a single network address, the requirement of mapping the address of the first sales interface to a first domain and mapping the address of the second sales interface to a second domain different from the first domain has no meaning in the context of Carlin.

Thus, claim 27 and its dependent claims are patentable and should be allowed.

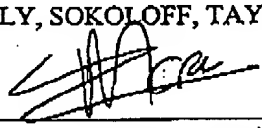
Claims 35, 38, and 46 and their dependent claims are patentable for at least the reasons articulated with respect to claim 27.

If there are any additional charges, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: 12/12/, 2003



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